

PROSECUTOR CLOSING CASE IN TYNER TRIAL

Francis C. Huebner First Witness for the Defense.

AN EMPLOYEE OF OFFICE Important Facts Brought Out by Major Conrad in the Cross-Examination.

The Government today concluded the presentation of its case in the Tyner-Barrett conspiracy trial in Criminal Court No. 1, Judge Pritchard presiding. The defense immediately called its first witness, Francis C. Huebner, since 1897 employed in General Tyner's office in the Postoffice Department, and engaged there under the latter's successors to the present time.

The closing of the Government's side was an important step in the progress of the trial. It was made subject to the introduction of a small amount of additional evidence in case an absent witness for the prosecution appears. As there was some doubt of his taking time, however, the prosecution did not desire to delay the trial by waiting.

Subpoenaed by Both. Witness Huebner was subpoenaed originally by the prosecution, but was not called by them. He was immediately summoned by the defense as their witness, and took the stand for that side.

In the course of his testimony Mr. Worthington referred to this fact, and Major Conrad explained the prosecution's course by saying he "knew the defense would call him anyway."

The developments of the examination of this witness indicated that the prosecution expected to gain a greater advantage by admissions from the witness on cross-examination than by finding him in any wise uncertain as to the answers desired by the Government attorneys.

A Czar's Power. The important feature of Huebner's testimony related to the practice of the department in dealing with concerns on fraud order business. He said General Tyner had told him that the power to issue fraud orders was not given to anyone except the Czar or Russia, and that therefore he ought to be very careful as to how such orders were sent out with the sanction of the department.

The practice of the department, witness said, in taking final action on the reports of inspectors, was not necessarily to issue fraud orders on the basis of statements, such reports being regarded as rebuttable. If the company concerned did not appear to protest against the issuance of a fraud order, the inspector's report would be accepted as correct.

A great deal of questioning followed to get additional facts from the "discretion" which Witness Huebner exercised as to the issuance of fraud orders. Eventually, he said, the head of the office (Tyner) was the final arbiter of all the cases, and that he (Huebner) merely submitted a memorandum in each case.

Turf Schemes Show Up. The turf investment concerns which were investigated last summer, under personal directions from President Roosevelt, were discussed at some length. The prosecution submitted documentary evidence from the department files, showing how Barrett had acted as the attorney for the E. J. Arnold turf concern, the principal of which is now under indictment in St. Louis and is a fugitive from justice.

The prosecution presented evidence of the payment to Barrett of \$5,000 as a retainer fee and \$1,000 for procuring a favorable decision from Tyner, Barrett, of course, accepted the fees for professional services rendered, then in practice of the law in Baltimore.

The Tyner opinion was read to the jury, and Mr. Taggart announced that the last paragraph had been struck through with a lead pencil line. When Mr. Worthington asked why that had been done, Mr. Taggart explained that the Arnold Company had circulated the Tyner opinion as an endorsement of their business, with a facsimile of General Tyner's signature. The reason why the last paragraph had been eliminated, he said, was because it stated the opinion in hand would be the opinion of the case if another application was made for the issuance of a fraud order.

Major Conrad Persistent. When the defense had opened its case Major Conrad took up the cross-examination and proved an unrelenting questioner.

Witness Huebner, at one point, referred to his employment in cases before the department as "prosecutor."

"What do you mean by that?" queried Major Conrad. "You were a 'prosecutor' in the office?"

"Well, that is what General Tyner sometimes called me," replied the witness.

"In a Pickwickian sense?" suggested Major Conrad.

Witness said it was not exactly in that way, but referred somehow to the fact that he was looked to for the exercise of a certain "discretion" in bringing matters to the attention of General Tyner.

Major Conrad was quick to turn this remark to his advantage by saying: "But prosecutors have no discretion, Mr. Worthington has said."

"I hadn't known this witness then," retorted Mr. Worthington; "I was merely judging by the men who were before me here" (the opposing attorneys). Judge Pritchard interrupted to ask how much longer the cross-examination would take.

Japanese Torpedo Boat Blown Up; Seven Killed and Number Injured

(Continued from First Page.) and is seeking to come in touch with General Oku before throwing himself upon the Russians.

On to Kai-Ping. On the other hand, the report is confirmed that the bulk of the second army, which landed at Pitsewo, is going straight north to Kai-ping to form the left of General Kuroki's forces when he advances on Liao-Yang. We had already foreseen that this army might well have some other object than the siege of Port Arthur and might well be destined at least temporarily, to undertake an invasion of Manchuria.

Let us add that the evacuation of Niuchang is quite likely to have as a consequence the landing of a third Japanese army at this point, a landing which would have been an operation much too hazardous when the Russians occupied it in force, but which becomes necessary under present conditions.

Russians Need Time. If Generals Kuroki and Oku can advance upon the enemy after their junction it will be much more difficult for General Kuropatkin to win the engagement, and it will be readily understood that before joining issues he wants to gain more time and await new reinforcements. But as far as we may hazard an opinion, considering that only two corps of the ground exist and that all other elements of giving a military opinion are lacking, we may be permitted to ask whether this double flank-

JAPANESE RE-ENFORCEMENTS DRIVE COSSACKS FROM ANJU

SEOUL, May 13.—Infantry re-enforcements of the Japanese army have driven the Cossacks from Anju, a town of 12,000 inhabitants, on the Manchurian frontier. The Japanese re-enforcements, which were sent from the Japanese coast, arrived at Anju on the morning of May 12, and drove the Cossacks from the town on the morning of May 13.

The official reports said one officer and ten privates of the Russian force had been killed and wounded. Several detachments of mounted Japanese troops are operating from the town between Anju and Wiju. It being thought that the Russians may attempt a flank movement in that part of the country.

The Japanese legation has received the following report from Tokyo, dated May 12: On the morning of May 10 a detachment of Russian cavalry, about two hundred strong, attacked a small Japanese outpost at Anju, Korea. The garrison there offered a stubborn resistance until re-enforcements arrived from the south and north. Our casualties were four killed and six wounded. The casualties of the enemy exceeded fifty.

relationship to Tyner, but knew he had been in the Postoffice Department. Witness had formed the idea, after the visit of the Postoffice inspectors, that their report on his company would be adverse. They had not so stated, but he explained the inspectors' action.

A trip to Baltimore with a business partner, to consult with Barrett, was described. Witness said Barrett had replied that he could not accept employment as the company's attorney. This, witness said, increased their desire to obtain Barrett's services.

Barrett Got \$5,000. Mr. Taggart made inquiry into this phase of the case. There had been consultation over the size of the fee, if Barrett accepted the company's request to act as attorney. Barrett had said it would have to be a very large fee. Witness had asked how much. Barrett had replied, "Five thousand dollars." An arrangement to that effect was concluded and the money paid in installments.

Major Conrad evinced an interest in the witness' reply about the added anxiety of Barrett after he had once refused to take the case. Witness did not appear pleased with the prosecution's desire to probe into this matter, and replied, laconically: "Wanting something that I thought I couldn't get."

Mr. Worthington asked witness what he meant by that answer, and he commented that he thought it was only natural for persons to make extra efforts to get what they thought was beyond their power to obtain.

Letter Date Changed. F. V. Keyser, a clerk in the office of the Assistant Attorney General for the Postoffice Department in 1901, testified he had been General Tyner's stenographer and typewriter. He identified letters written by him from dictation. Mr. Taggart showed him a letter on which the date had been changed, apparently, and asked him whether he could explain anything about it.

"The date I placed there, November 19, 1901, has been struck out and 20 November has been put in," replied the witness. He could not tell why the alteration had been made, and said he had no recollection of having made the change, although he was the typewriter in the office of the Assistant Attorney General.

Turf Investment Scheme. Papers relating to another matter in December, 1902, were taken up by Mr. Worthington, when Mr. Taggart interrupted to follow out another line of inquiry.

This was the investigation made by the department into the turf investment business conducted by E. J. Arnold & Co., of St. Louis, Mo., for whom Barrett was attorney.

Mr. Taggart read an agreement between the company and Barrett for a \$5,000 fee; a letter from Tyner to Barrett inclosing the department's ruling losing the investigation, and asking Barrett to inform his clients; and a check, numbered 2401, dated St. Louis, December 1, 1902, making \$1,000 payable to "Harry Arnold, J. Barrett as an installment of the fee."

Rosy-Hued Prospectus. The Arnold Company's prospectus was read by Mr. Taggart, telling of the ownership of "the finest racing stables in the West," the playing of the races, etc., and the payment of a 3 per cent weekly dividend.

This high dividend caused an investigation by the Postoffice Department. Mr. Taggart read a great many details of the company's method of doing business.

The subscriptions amounted to \$195,000 up to the time an investigation was started by the department's inspectors, who asked that a system of bookkeeping be adopted to show to the department how the interest was earned. The company reported they had \$75,000 as assets, three-fifths of which was in cash.

Kidder Resumes Stand. At the opening of court today, F. B. Kidder, formerly secretary of the Physicians' Institute of Chicago, who was on the stand yesterday, resumed his testimony. Mr. Worthington read several documents bearing upon this part of the case.

Witness did not recall what had referred him to Mr. Barrett, but did not connect General Tyner's name with the incident. He did not know of Barrett's

AMERICAN BISHOPS AND ROMAN CHURCH

No Friction Between Delegate and Hierarchy—In Accord. With the Pope—Statement by the Apostolic Legation.

The following statement was today given out at the Apostolic Legation: "We are authoritatively informed that there is no truth whatever in the current report regarding the object of Cardinal Sadoli's proposed visit to America, namely to settle disputes which have arisen in ecclesiastical circles on account of the alleged American spirit of liberty and the absolutism of Rome."

Christianity in charge after Barrett left the department. The method of issuing fraud orders was then gone into at length, and the defense rested.

GOVERNOR ODELL VETOES TAMMANY GAS BILL

ALBANY, N. Y., May 13.—In a message scoring Mayor McClellan and the New York Democrats in the Legislature, Governor Odell has announced his veto of the Remsen gas bill.

The governor gives the following reasons for killing the measure: "That it confers in perpetuity extra territorial rights not limited to a term of years; has aroused public condemnation and universal distrust; disregards every principle of home rule."

In vetoing the bill Governor Odell is credited with having played masterfully on the emotions of the people. It is said that he has not only convicted Tammany of being insincere in its home rule professions, but has also made a fine play for public favor.

COMMITTEE ON ELECTION AT METROPOLITAN CHURCH

Justice Gould has appointed the Revs. F. Outwater, Robert R. West, and C. H. Phillips a committee to conduct the election to be held tonight by the congregation of the Metropolitan Baptist Church. The election will decide whether the members of the church desire to hold another meeting at which a permanent pastor of the congregation will be chosen.

The action of the court is the outcome of the differences between the Hoggans and Drew factions of the congregation of the Metropolitan Baptist Church. The Hoggans faction is endeavoring to oust the Rev. Simon S. P. Drew from his position as temporary pastor of the congregation.

World's Fair Coach Excursion, May 17 Via B. & O. R. R., leaving Washington 10:30 a. m., passing picturesque and historic country by daylight, arriving St. Louis noon next day. Tickets valid for return within ten days. Rate \$17 for the round trip.

At Callisher's Saturday and Monday. The best results at lowest cost. For One Dollar A 10-YEAR GUARANTEE WITH A PAIR OF Gold-Filled Spectacles or Eyeglasses

APPENDIXLESS CLUB FORMED. SIOUX CITY, Iowa, May 13.—The Appendixless Club, a social organization, has been formed in this city. Only men and women who have been operated on for appendicitis are eligible to membership.

\$.25 Washington to Baltimore and return, B. & O. R. R., every Saturday and Sunday. Tickets good returning until Sunday night. All trains except Royal Limited.

AUCTION SALES. S. BENINGER, Auctioneer. Washington Horse and Carriage Bazaar. 940 Louisiana Avenue.

SPEED! SPEED! SPEED! On our auction sale TOMORROW (SATURDAY) MORNING, commencing at 10 o'clock, NO HEAD DRAUGHTERS AND DRIVERS, including some big, rugged wagons and smooth horses.

Also, at 11 sharp, by direction of owner, we will sell to highest bidder the well-known pacer, "Sally." This horse can step away better than a 2:15 gait; can be driven by most timid person. S. BENINGER, Auctioneer.

THOS. DOWLING & CO., Aucts., 612 E. st. n. w. Public Sale of CHOICE HORSES Monday, May 16, 1904. We will sell at public auction, MONDAY, MAY SIXTEENTH, beginning at TEN A. M., at the stable of DR. E. S. WALKER & SON, 1072 32d St. N. W.

A lot of fine Drivers, Coach and Draft Horses, specially selected for the Washington market. Among them is a green pacer, six years old, showing a 2:20 gait, and one six-year-old green trotting mare, showing a 2:25 gait. The horses will be shown in the stable of the District of Columbia, on the 14th and 15th of May. It is an excellent opportunity to secure first-class horses. Terms Cash. M. H. BROS., my12-3t

LEGAL NOTICES. SUPREME COURT OF THE DISTRICT OF COLUMBIA, HOLDING A PROBATE COURT, No. 12,127, Administration. This is to give notice that the subscriber, the District of Columbia, has obtained from the Probate Court of the District of Columbia letters of administration on the estate of Liborio Spagnoli, late of the District of Columbia, deceased. All persons having claims against the deceased are hereby warned to exhibit to the subscriber, within the time specified, their claims, together with vouchers therefor, legally authenticated, to the subscriber, on or before the 4th DAY OF MAY, A. D. 1905; otherwise they may be excluded from all benefit of said estate.

Given under my hand this 4th day of May, 1904. COSTANZO CERIMONI, 525 7th St. N. W. (Seal.) WM. C. TAYLOR, Deputy Register of Wills for the District of Columbia; Clerk of the Probate Court. EDWARD L. GIES, Attorney. my6,12,20

SUPREME COURT OF THE DISTRICT OF COLUMBIA, HOLDING A PROBATE COURT, No. 12,411, Administration. This is to give notice that the subscriber, who was by the Supreme Court of the District of Columbia granted letters testamentary on the estate of George T. Raub, deceased, has, with the approval of the Supreme Court of the District of Columbia, holding a Probate Court, appointed MONDAY, the 16th DAY OF MAY, 1904, at 10 O'CLOCK A. M., as the time and said court room as the place for making payment and distribution from said estate, under the will of said deceased, and control, when and where all creditors and persons entitled to distributive shares or legacies or a residue, are notified to attend, in person or by agent or attorney duly authorized, with their claims against the estate properly vouched.

Given under my hand this 8th day of April, 1904. GEO. W. LINKINS, By WM. H. LINKINS, Attorney. (Seal.) WM. C. TAYLOR, Deputy Register of Wills for the District of Columbia, Clerk of the Probate Court. ap28-may13

THE TIMES' World's Fair Contests

OFFER NO. 1.—To send the three employees of the District or National Government collecting, respectively, the greatest number of St. Louis Exposition coupons to the World's Fair for one week and pay all expenses. [Note.—District or National Government employees must use only the coupon with black border.] OFFER NO. 2.—To send three people not employed by the District or National Government collecting, respectively, the greatest number of St. Louis Exposition coupons to the World's Fair for one week and pay all expenses. [Note.—Contestants not in the employ of the District or National Government must use the coupon with light border.]

Number of Coupons..... THE WASHINGTON TIMES St. Louis World's Fair Coupon To Exposition Contest Editor: Credit this coupon to Name..... Address..... Where Employed..... Have you sent coupons before..... Yes or No.

Number of Coupons..... THE WASHINGTON TIMES St. Louis World's Fair Coupon To Exposition Contest Editor: Credit this coupon to Name..... Address..... Where Employed..... Have you sent coupons before..... Yes or No.

ADDRESS COUPONS TO Manager St. Louis Fair Contest Times Office, Washington, D. C.

SPECIAL NOTICES. OFFICE WASHINGTON GAS LIGHT CO., May 13, 1904.—To Consumers of Gas: The pressure in the street-main system will be materially reduced on SATURDAY, MAY 15, between the hours of 6 A. M. and 4 P. M., for the purpose of connecting 24-inch mains at the corner of North Capitol and G Streets, on account of work at new Union Station. This reduction in pressure will affect the entire city. WILLIAM B. ORME, Secretary. my13-7

SPECIAL NOTICE.—Washington, D. C., May 10, 1904.—A meeting is hereby called of the stockholders of the American Home Life Insurance Company of Washington, D. C., a corporation organized under the laws of the District of Columbia, to be held on the 28th DAY OF MAY, 1904, in the office of said corporation, at 509 G St. N. W., Washington, D. C., at 4:30 O'CLOCK P. M., for the purpose of considering the question of increasing the amount of the capital stock of said corporation according to law. This call is made in pursuance of a resolution of the stockholders of said corporation passed on the 10th day of May, 1904. JAS. H. YERKLEY, JAMES H. CATON, C. T. YODER, G. W. CAVE, Directors. Attest: C. T. YODER, Secretary. my13,20,27

MRS. E. G. WHITE, well known by her prophetic writings, will deliver an address at the First Seventh Day Adventist Church, on 8th St. N. W., between F and G sts., at 11 o'clock Saturday morning, May 14. Everybody is invited to attend this service. All are welcome. my13-2t

THE FIRST annual meeting of the stockholders of the Mosaic Tile and Cement Brick Machinery Company will be held in its offices at the Bond Building, Washington, D. C., JUNE 8, 1904, AT NOON, for the purpose of electing a board of directors. THOS. J. PARKER, Secretary. my8-20t

EDUCATIONAL. FIVE WEEKS' COURSE IN MUSIC. Three lessons a week. General musical education; \$10 in advance. Send credentials. MME. J. ESPUITA DALY, Studio, 1128 F St. N. E., Phone EAST 925-A. my12-7t

LEGAL ADVICE. The George W. Drew Law Company 620 F St. N. W. TELEPHONE EAST 1273. Corporation Law Domestic Relations Investments or Loans Divorce or Separation Purchase or Sales Partnership Relations Real Estate Personal Property Copyrights, Testaments, Departmental Business OR ANY OTHER LEGAL BUSINESS. CALL AT ONCE. We will state plainly the strength of your case, give the bearing of the law on it, and advise the best course to pursue. Appointments made, day or evening. ap1-30t

WATCH MOVEMENTS. Hutterly's Watch movements are strictly high grade. Buy one from him and he will put a plain case on it, then you'll have a perfect timepiece. This offer is advantageously particularly to railroad men. A. O. HUTTERLY, 632 G St. N. W. Around the corner from 7th. my13-2t

COFFEE..... You cannot buy our Congressional Coffee from your grocer, but we have a branch store near your home. 35c lb. Great Atlantic and Pacific Tea Company, Cor. Seventh and I Streets.

DR. R. B. LEONARD, DENTIST. SPECIALIST—CROWN AND BRIDGE WORK—Moderate Prices. WASHINGTON DENTAL PARLORS. 7th and E Sts. N. W.

STORAGE. Littlefield, Alford & Co., 1227 P. AVE. N. W.

FLOOR FINISH. Our No. 61 Floor Finish is unequalled—waterproof, not easily scratched and easily applied. E. J. Murphy & Co., New Paint Store, 1108 G St. N. W.

Always the Same. THAR'S PURE Berkeley Rye. 812 F St. N. W. 'Phone Main 1141. Special Private Delivery.

World's Fair Hotels. Are represented in Washington by TRAVELERS' EXCHANGE. Phone M. 1067. 1336 N. Y. Ave. Booklets, rates, etc., upon application. WE MAKE NO CHARGES. ROOF. Let us estimate on repairing your roof—paving, tinning, gutters, etc. Phone M. 1067. Grafton & Son, ROOFING, 714 9th St. EXPERTS. Main 760.

The More MOTHER'S BREAD you eat the less meat your system will require. Corby's Modern Bakery. The Store That Saves You Money. MATTINGS. 12c Fine Matting. 8c 2c Fine Weave Matting. 15c 3c Fine Stock-moving Matting. 20c 4c Very Heavy Matting. 25c 5c Fine Stock-moving Matting. 27c All floor coverings laid free. HUB FURNITURE CO., Cor. Seventh and D Streets Northwest.